IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12105 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AJITKUMAR S PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12105 of 1994

MR YN OZA for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1-2

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 07/10/2002

ORAL JUDGEMENT

1. The present petition is preferred by the petitioner for the appropriate directions to quash and set aside the resolution Annexure "B" and to direct the respondents to fill up in all 50% of the payment seats by

open merit for the academic year 1994-95 and onwards. The interim prayers were also made to stay conversion of free seats into payment seats.

2. This Court initially passed the order dated 27-10-1994. The notice was issued and thereafter on 25-11-1994 this Court had passed the order for finally hearing of the matter at the admission stage. However, no interim relief was granted and as a result thereof 50% seats, which were reserved for payment seats must have operated and in any case the seats for the academic year 1994-95 must have been filled up.

3. When this petition comes up for hearing after a period of eight years, the request for grant of admission to the petitioner in the academic year 1994-95 cannot be considered in the year 2002, because the eligibility criteria, merit order, the availability of number of seats, etc. would be different than those which are prevailing in the year 2002 and, therefore, in my view the petition has become infructuous. Apart from that, a judicial note can be taken that since last more than five years, the number of available seats are divided into two parts, 50% seats are made available for free seats, whereas 50% of the seats are available for payment seats after deduction of All India Reserved category seats. Under the above circumstances, I find that since the petition has become infructuous, no useful purpose would be served in deciding the questions which are raised in this petition and hence the petition is disposed of as having become infructuous. Notice discharged. Liberty to apply in case of difficulty.

7-10-2002 (Jayant Patel, J.)
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